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STATE FOR WHA/CAR J.ROSHOLT, K.WILLIAMS; WHA/USOAS R.MANZANARES;
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SUBJECT: "December 8" murder Trial Resumes and Recesses Again

REF: Paramaribo 638

1. (U) SUMMARY: Court proceedings resumed in the trial of former military strongman Desi Bouterse and 24 co-defendants on Monday, December 17. The Court Martial rejected arguments raised by Bouterse's attorney Erwin Kanhai during the November 30 opening session of the Court where Kanhai argued that the court did not have authority or jurisdiction over the case. Kanhai and other defense attorneys presented new motions to the Court during the December 17 session. The Court will react to these new objections in its next session scheduled for January 28, 2008.

DECEMBER 8, 1982 MURDER TRIAL - ROUND 2

2. (U) On December 17, the trial of Desi Bouterse and 24 co-defendants for the December 8, 1982 murders of 15 members of the political opposition resumed at the special court facility at the naval base in Boxel, approximately 15 miles south of Paramaribo. Only 9 of the defendants appeared (two less than at the November 30 opening session of the Court), with Bouterse and 15 other defendants again choosing not to attend, despite having received summonses to appear at the trial. The session lasted just under four hours, including two short recesses.

3. (U) The Court rejected a motion introduced during the November 30 initial session of the Court by Bouterse's lawyer, Erwin Kanhai, for a change of jurisdiction from the Court Martial to the Civilian Court of Justice on the grounds that Bouterse was not part of the military, but rather a political leader at the time of the alleged murders (reftel). The Court disagreed, establishing that Bouterse joined the armed forces in 1975 and was dismissed in 1993, and therefore the military Court Martial in fact had jurisdiction.

4. (U) On December 17, Kanhai came prepared with new objections and again dominated the session. He argued that the lapse of time between the alleged offenses and the start of the preliminary criminal investigation had exceeded the period allowed by law. He repeated accusations that the process was politicized and driven by external influences (alluding to the Government of the Netherlands and families of the victims who fled to Holland from Suriname after the murders). He cited a lack of evidence, and accused former Minister of Justice and Police Siegfried Gilds of improperly issuing subpoenas, which should have been handed down by the Court. (Gilds, it was also noted, was a family member of one of the victims, further fueling Kanhai's allegations of political bias in the case.) Kanhai further argued that the subpoenas were invalid because they did not adequately enumerate the specific charges or provide sufficient facts and details to enable the accused to properly prepare their defenses. Lawyer John Kraag, representing former Chief of the Suriname Armed Forces, Arthy Gorre, echoed Kanhai's

views about the validity of the subpoenas, noting the charges against his client were also too vague and demanding the nullification of the summons to Gorre, who in 1982 was commander of the Echo Company, a group of elite commandos.

NEXT STEPS

¶5. (U) The Court adjourned until January 28, after the normal December-January Court recess, at which time the prosecution will respond to the defense motions. Another recess may be granted to allow the defense to prepare rebuttals to the prosecution's January 28 presentation. After hearing defense rebuttals, a subsequent session may also be necessary to announce the Court's ruling(s). If the Court rejects defense objections, some observers believe the defense will have exhausted all allowable preliminary objections (regarding jurisdiction, statute of limitations and validity of subpoenas), and a date may be set for the start of the actual trial, perhaps in March or April. However, Bouterse's defense attorney, Kanhai, is well known for his skill in manipulating legal processes through delaying tactics and endless motions.

ATMOSPHERICS

¶6. (SBU) The Embassy did not send an observer to the December 17 session, but received feedback on the proceedings from others present or close to the proceedings. There was a lot less "buzz" associated with the December 17 session. Absent from the Court gallery was the large contingent of Dutch media that had attended the November 30 opening session. Local media and families of the December 8 murder victims comprised the bulk of those in attendance. Public opinion varied: some think the process is on track; others believe the trial will hiccup along in this fashion indefinitely,

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reflecting widespread skepticism about the entire process. Still, progress, slow as it may be, demonstrates the GOS's commitment to follow through on the trial.
SCHREIBER HUGHES